IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2427 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SUKHRAM MUNNA PRAJAPATI F/O.DECD.RAMRUKH SUKHRAM & 3 - Petitioner(s)

Versus

UNION OF INDIA THR' GENERAL MANAGER & 2 - Respondent(s)

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Appearance :

MR BK OZA for Petitioner(s) : 1 - 4.

RULE NOT RECD BACK for Respondent(s) : 1 - 2.

RULE SERVED for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 09/03/2006

ORAL JUDGMENT

1. By way of this petition under Articles 226 and 227 of the Constitution of India, the petitioners have prayed for appropriate writ, order and/or directions directing the Railway Claims Tribunal, Ahmedabad Bench to pass necessary orders with regard to the disbursement of the amount which is deposited pursuant to the Judgement and Award passed in O.A. No.9900077 dtd.3/7/2001 which is confirmed by the Division Bench of this Court while passing order dtd.11/5/2005 in First Appeal No.1229 of 2005 with Civil Application No.4082 of 2005.

2. It appears that the Railway Claims Tribunal, Ahmedabad Bench allowed the application submitted by the petitioners being Claim

Application O.A. No.9900077 by Judgement and Award dtd.3/7/2001 and ordered that the petitioners shall be entitled to receive compensation of Rs.4,00,000.00 (Rupees Four Lacs only) from the respondent with interest at the rate of 9% per annum with costs from the date of application. It also appears from the record that the said Judgement and Decree came to be challenged by the Railway Authorities before the Division Bench of Court by way of First Appeal No.1229 of 2005 with Civil Application No.4082 of 2005 and the Division Bench of this Court (Coram : B.J.Shethna and M.C. Patel, JJ) has dismissed the said First Appeal confirming the Judgement and Decree passed by the Railway Claims Tribunal, Ahmedabad Bench in Claim Application No.9900077 dtd.3/7/2001. It is the contention on behalf of the petitioners that pursuant to the Judgement and Decree passed by the Railway Claims Tribunal, Ahmedabad Bench, the Railway Authorities have already deposited the

entire amount with costs. However, due to some dispute when the application was submitted by the petitioners for disbursement, no order has been passed and therefore, the present application has been filed.

3. Considering the fact that the judgement and decree passed by the Railway Claims Tribunal, Ahmedabad Bench is confirmed by the Division Bench of this Court as stated hereinabove, and the amount is already deposited by the Railway Authorities and the same is lying without fetching any interest, the respondent No.3 – Presiding Officer and/or the Registrar of the Railway Claims Tribunal, Ahmedabad Bench is hereby directed to invest the aforesaid amount in in the name of each of the petitioners in Nationalized Bank of the choice of the petitioners in their proportionate share for a period of **FIVE YEARS**, so far as the petitioner Nos.1 to 3 are concerned and so far as the

petitioner No.4 is concerned, till he attains the age of majority i.e. 18 years. However, the petitioners will be entitled to quarterly periodical interest on such deposit. Such exercise shall be done as expeditiously as possible but not later than 9/4/2006.

4. In view of the aforesaid observations and directions, the present petition stands disposed of.

(M.R.SHAH,J.)

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